

HOUSE BILL NO. 145

INTRODUCED BY R. DALE

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE TERM "STATE BUILDING CODE" REFERS TO RULES ADOPTED BY THE DEPARTMENT OF COMMERCE UNDER TITLE 50, CHAPTER 60, PARTS 1 THROUGH 4, MCA; GENERALLY REVISING THE STATE ELECTRICAL CODE; EXCEPTING ELECTRICAL SIGNAL AND COMMUNICATIONS EQUIPMENT OWNED BY A COUNTY OR THE STATE, LOW-VOLTAGE ELECTRICAL SIGNAL AND COMMUNICATIONS EQUIPMENT, OPTICAL FIBER CABLES, TRAFFIC SIGNALS, STREET LIGHTING, TRAFFIC CONTROL DEVICES, AND MINES AND MINE BUILDINGS FROM THE PROVISIONS OF THE ELECTRICAL CODE; CLARIFYING THE AUTHORITY OF THE DEPARTMENT OF COMMERCE TO ADOPT NATIONALLY RECOGNIZED ELECTRICAL CODES; ABOLISHING THE REQUIREMENT THAT A POWER SUPPLIER DELIVER AN INSPECTION TAG TO THE DEPARTMENT OF COMMERCE AFTER ENERGIZING AN INSTALLATION; SUBSTITUTING THE TERM "ELECTRICAL PERMIT" FOR "INSPECTION TAG"; PROVIDING PENALTIES FOR VIOLATIONS OF THE ELECTRICAL CODE; AUTHORIZING INJUNCTIONS TO ENJOIN CERTAIN VIOLATIONS OF THE ELECTRICAL CODE; AMENDING SECTIONS 50-60-102, 50-60-602, 50-60-603, 50-60-605, AND 50-60-607, MCA; REPEALING SECTION 50-60-606, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-60-102, MCA, is amended to read:

"50-60-102. Applicability. (1) Except as provided in subsection (5), the state building codes do ~~code, as defined in 50-60-203(3), does~~ not apply to:

(a) residential buildings containing less than five dwelling units or their attached-to structures, any farm or ranch building of any size, and any private garage or private storage structure of any size used only for the owner's own use, located within the municipality's or county's jurisdictional area, unless the local legislative body or board of county commissioners by ordinance or resolution makes the state building code applicable to these structures;

(b) mines and buildings on mine property regulated under Title 82, chapter 4, and subject to

1 inspection under the Federal Mine Safety and Health Act;

2 (c) petroleum refineries and pulp and paper mills, except a structure classified under chapter 7,
3 section 701, group B, division 2, and chapter 9, section 901, group H, outside of process units, of the
4 1991 edition of the Uniform Building Code; or

5 (d) industrial process piping, vessels, and equipment and process-related structures located outside
6 of another structure occupied on a regular basis by employees or the public.

7 (2) Except as provided in subsection (5), the state may not enforce the state building code under
8 50-60-205 for the buildings referred to in subsection (1). Local governments that have made the state
9 building ~~codes~~ code applicable to the buildings referred to in subsection (1) may enforce within their
10 jurisdictional areas the state building code as adopted by the respective local government.

11 (3) When good and sufficient cause exists, a written request for limitation of the state building
12 code may be filed with the department for filing as a permanent record.

13 (4) The department may limit the application of any rule or portion of the state building code to
14 include or exclude:

15 (a) specified classes or types of buildings according to use or other distinctions as may make
16 differentiation or separate classification or regulation necessary, proper, or desirable;

17 (b) specified areas of the state based ~~upon~~ on size, population density, special conditions
18 prevailing in the area, or other factors that make differentiation or separate classification or regulation
19 necessary, proper, or desirable.

20 (5) (a) For purposes of promoting the energy efficiency of home design and operation, the
21 provisions of the state building code relating to energy conservation adopted pursuant to 50-60-203(1)
22 apply to residential buildings, except:

23 (i) farm and ranch buildings; and

24 (ii) any private garage or private storage structure attached to a residential building and used only
25 for the owner's own use.

26 (b) The provisions of the state building code relating to energy conservation in residential buildings
27 are enforceable:

28 (i) by the department only for those residential buildings containing five or more dwelling units or
29 otherwise subject to the state building code; and

30 (ii) through the builder self-certification program provided for in 50-60-802 for those residential

1 buildings containing less than five dwelling units and not otherwise subject to the state building code."

2

3 **Section 2.** Section 50-60-602, MCA, is amended to read:

4 **"50-60-602. Exceptions.** (1) This part does not apply to:

5 (a) the installation, alteration, or repair of ~~low-voltage~~ electrical signal or communications
6 equipment ~~and optical fiber cables owned or operated by a public utility or a city~~ AND TRAFFIC SIGNALS,
7 STREET LIGHTING, AND OTHER ELECTRICAL TRAFFIC CONTROL DEVICES OWNED OR OPERATED BY A PUBLIC UTILITY, CITY,
8 OR COUNTY OR THE STATE; ~~or~~

9 (b) electrical installations on the premises of petroleum refineries, except a structure classified
10 under chapter 7, section 701, group B, division 2, and chapter 9, section 901, group H, outside of process
11 units, of the 1991 edition of the Uniform Building Code-; ~~or~~

12 (c) mines and buildings on mine property regulated under Title 82, chapter 4, and subject to
13 inspection under the Federal Mine Safety and Health Act-; OR

14 (D) THE INSTALLATION, ALTERATION, OR REPAIR OF LOW-VOLTAGE ELECTRICAL SIGNAL AND COMMUNICATIONS
15 EQUIPMENT AND OPTICAL FIBER CABLE.

16 (2) The inspection provisions of this part do not apply to regularly employed maintenance
17 electricians doing maintenance work on the business premises of their employer nor do they apply to line
18 work on the business premises of the employer or to ordinary and customary in-plant or onsite
19 installations, modifications, additions, or repairs.

20 (3) ~~Any~~ A person who plugs in an electrical appliance where an approved electrical outlet is
21 already installed may not be considered as an installer.

22 (4) This part does not in any manner interfere with, hamper, preclude, or prohibit any vendor of
23 any electrical appliance from selling, delivering, and connecting any electrical appliance if the connection
24 does not necessitate the installation of electrical wiring of the structure where the appliance is to be
25 connected."

26

27 **Section 3.** Section 50-60-603, MCA, is amended to read:

28 **"50-60-603. Electrical installations to comply with building ~~Building~~ ELECTRICAL codes to be**
29 **adopted by department by rule.** (1) ~~All installations in this state~~ The department of commerce shall adopt
30 rules relating to the installation of wires and equipment to convey ~~electric~~ electrical current and

1 installations of apparatus to be operated by current, except as provided in 50-60-602, ~~shall be made~~
2 ~~substantially in accord with building codes adopted by the department of commerce.~~

3 (2) ~~Rules and standards relating to buildings and equipment shall be promulgated by the~~
4 ~~department. The department may adopt by reference nationally recognized electrical codes~~ THE NATIONAL
5 FIRE PROTECTION ASSOCIATION STANDARD NFPA 70, NATIONAL ELECTRICAL CODE, in whole or in part, and may
6 adopt rules more stringent than those in the ~~nationally recognized codes~~ NATIONAL FIRE PROTECTION
7 ASSOCIATION STANDARD NFPA 70, NATIONAL ELECTRICAL CODE."

8

9 **Section 4.** Section 50-60-605, MCA, is amended to read:

10 **"50-60-605. Power supplier not to energize installation without inspection tag electrical permit.**

11 Individuals, firms, cooperatives, corporations, or municipalities selling electricity are power suppliers.
12 Except for temporary connections ~~which~~ that the department of commerce may authorize by rule for a
13 period not exceeding 14 days without a preconnection inspection, power suppliers may not connect with
14 or energize an electrical installation under this part unless the owner or a licensed electrical contractor has
15 delivered to the power supplier an ~~inspection tag~~ electrical permit covering the installation, issued by the
16 department of commerce or a municipality or county certified to enforce the electrical code pursuant to
17 50-60-302."

18

19 **Section 5.** Section 50-60-607, MCA, is amended to read:

20 **"50-60-607. ~~Unlawful acts~~ Energizing electrical installation without permit -- misdemeanor. It is**
21 ~~unlawful for a~~ Any person, partnership, company, firm, association, or corporation, other than a power
22 supplier, ~~to energize~~ that energizes an electrical installation under this part ~~unless an application for an~~
23 ~~inspection tag covering the installation, together with the inspection fee, has been forwarded to~~ for which
24 an electrical permit has not been issued by the department of commerce or a municipality or county
25 certified to enforce the electrical code pursuant to 50-60-302 is guilty of a misdemeanor."

26

27 **NEW SECTION. Section 6. Injunction authorized.** The use or installation of wires or equipment
28 conveying electrical current or the use or installation of any apparatus operated by electrical current in
29 violation of any provision of this part or a lawful order of a state or local government building official may
30 be enjoined by a judge in the district court of the judicial district in which the wires, equipment, or

1 apparatus is located.

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3 NEW SECTION. **Section 7. Repealer.** Section 50-60-606, MCA, is repealed.

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5 NEW SECTION. **Section 8. Codification instruction.** [Section 6] is intended to be codified as an
6 integral part of Title 50, chapter 60, part 6, and the provisions of Title 50, chapter 60, part 6, apply to
7 [section 6].

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9 NEW SECTION. **Section 9. Effective date.** [This act] is effective on passage and approval.

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